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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,493	01/08/2001	Hirotooshi Takemori	70551/55523	4293

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 08/11/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

51

Office Action Summary

Application No.

09/756,493

Applicant(s)

TAKEMORI ET AL.

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kay et al. U.S. Patent No. 5,44,143.

Regarding claim 1, Kay et al. discloses an integrated unit, comprising (See col. 4, lines 35-37; Fig. 1, ref # 30):

a laser beam source for emitting a laser beam (See col. 4, lines 45-47; Fig. 1, ref. # 40);

a detecting portion for detecting reflection of said emitted laser beam(See col. 6, lines 13-14; Fig. 1, ref. # 68);

optical elements for controlling the pathways defined by said emitted laser beam and said reflection thereof (See col. 4, lines 25-28; Fig. 1) ,

said optical elements including at least a diffraction element for diffracting said emitted laser beam and said reflection thereof (See col. 4, lines 47-50; Fig. 1, ref. # 42)

and a casing accommodating said laser beam source and said detecting portion (See col. 4, lines 35-37; Fig. 1, ref. # 30,32),and

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a transparent optical compensation film integral with one of said optical elements or with an end of said casing so as to be disposed in said optical pathways defined by said emitted laser beam and said reflection thereof (See col. 4, lines 33 to col. 5, lines 1-35; Fig. # 1, ref. # 34).

Regarding claim 3, Kay et al. discloses wherein said optical compensation film is attached onto said diffraction element (See Fig. 1, ref # 34,42).

Regarding claim 4, Kay et al. discloses including said optical compensation film inside of said diffraction element (See col. 5, lines 15-19).

Regarding claim 5, Kay et al. discloses wherein said casing and said optical compensation film are integrated (See Fig. 1, ref # 30,32,34).

Regarding claim 6, Kay et al. discloses including a cap member, provided to said casing, for closing an opening (See Fig. 1, ref. # 65).

Regarding claim 7, Kay et al. discloses wherein said cap member and an optical compensation film are integrated (See Fig. 1, ref. # 34,65).

Regarding claim 8, Kay et al. discloses wherein said diffraction element has a diffraction pattern for diffracting a laser beam, said diffraction pattern being formed on said optical compensation film (See col. 5, lines 3-22).

Regarding claim 9, Kay et al. discloses wherein said diffraction element has a diffraction pattern for diffracting a laser beam, said optical compensation film being formed on said diffraction pattern (See col. 5, lines 3-22).

Regarding claim 10, Kay et al. discloses an optical pickup for reading information recorded on an optical disk by condensing a laser beam onto the optical disk (See col. 1, lines 24-30; col. 4, lines 33-47), comprising):
a laser beam source for emitting a laser beam (See col. 4, lines 45-47; Fig. 1, ref. # 40);
a detecting portion for detecting a reflection of said emitted laser beam (See col. 6, lines 13-14; Fig. 1, ref. # 68);
optical elements for controlling the pathways defined by said emitted laser beam and said reflection thereof (See col. 4, lines 25-28; Fig. 1),
said optical elements including at least a diffraction element for diffracting said emitted laser beam and said reflection thereof (See col. 4, lines 47-50; Fig. 1, ref. # 42);
a casing accommodating said laser beam source and said detecting portion (See col. 4, lines 35-37; Fig. 1, ref. # 30,32),
and integrated unit in which said diffraction element and said casing are integrated (See col. 4, lines 33-47 to col. 5, lines 1-35; Fig. # 1, ref. # 30,32,42)
an objective lens for condensing the laser beam onto the optical disk (See Fig. 1, ref. # 52),

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a transparent optical compensation film integral with one of said elements or with an end of said casing so as to be disposed in said optical pathways defined by said emitted laser beam and said reflection thereof (See col. 4, lines 33 to col. 5, lines 1-35; Fig. # 1, ref. # 34).

Regarding claim 11, Kay et al. discloses an optical pickup for reading information recorded on an optical disk by condensing a laser beam onto the optical disk (See col. 4, lines 33-35; Fig. 1), comprising:

a laser beam source for emitting a laser beam (See col. 4, lines 45-47; Fig. 1, ref. # 40);

a detecting portion for detecting a reflected light (See col. 6, lines 13-14; Fig. 1, ref. # 68);

a diffraction element for diffracting the laser beam (See col. 4, lines 47-50; Fig. 1, ref. # 42);

a casing accommodating said laser beam source and said detecting portion (See col. 4, lines 35-37; Fig. 1, ref. # 30,32);

an integrated unit in which said diffraction element and said casing are integrated (See col. 4, lines 33 to col. 5, lines 1-35; Fig. 1, ref # 30,32,42);

an objective lens for condensing the laser beam onto the optical disk (See Fig. 1, ref. # 52);

and a reflection mirror for changing a direction of the laser beam, wherein said reflection mirror

and a transparent optical compensation film are integrated (See col. 6, lines 18-24; Fig. 1, ref. # 34,64).

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al. U.S. Patent No. 5,544,143 in view of Bernstam U.S. Patent No. 6,322,868.

Kay et al. discloses all the limitations based on claim 1 as outlined above. Kay et al. discloses a compensation film. Kay et al. discloses the desirability used for compensate a diffracting beam (See col. 5, lines 23-35), which is a transparent material, including glass, plastic or film. Also Kay et al. discloses the desirability of change the polarization state of the laser beam (See col. 4, lines 64-67 to col. 5, lines 1-2)

But Kay et al. does not expressly disclose that the compensation film is a high polymer film serving a function of changing polarization state of the laser beam.

However, this feature is well know in the art as evidenced by Claussen, which discloses a compensation film is a high polymer film serving a function of changing polarization state of the laser beam (See col. 7, lines 50-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kay et al.'s invention by using a high polymer film in order of changing polarization state of the laser beam as suggested by Bernstam.

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Response to Arguments

5. Applicant's arguments filed 6/02/03 have been fully considered but they are not persuasive.

Applicant's response to the rejection of claims 1 and 3-11, as unpatentable over Kay et al. Applicants argued that Kay et al. fails to disclose *a transparent optical compensation film or to any way any compensation function and that the compensation film should be integrated with any other element.*

The examiner cannot concur because, Kay et al. discloses the features outlined above. Kay et al. discloses using a transparent optical compensation film in order to a zero order diffraction component of the light beam passes undeflected and alternatively Kay et al. integrate the compensation film with other elements (See col. 4, lines 52 to col. 5, line 35)

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*the function of optical compensation film, of the present invention clearly described at lines 32-33 page 5 of the specification*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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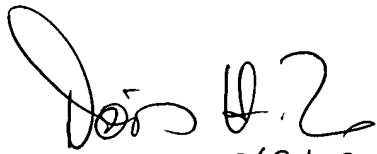
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6743 for regular communications and (703) 308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc
August 8, 2003


DORIS H. TO 8/8/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800